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6 CITY OF OAKLAND

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 RICHARD RAY, an individual, SALLY RAY,
12 an individual, and RICHARD AND SALLY,
husband and wife,

13 Plaintiffs,

14 v.

15 CITY OF OAKLAND, a municipal
16 organization, WAYNE TUCKER, Chief of
the City of Oakland Police Department,
17 ALAMEDA COUNTY, GREGORY AHM,
ALAMEDA COUNTY SHERIFF DOE
18 DEFENDANT 1, an unknown police officer,
DOE DEFENDANT 2 an unknown police
19 officer, DOE DEFENDANT 3, an unknown
police officer, DOE 4, an unknown police
20 officer, DOES 5 an unknown sheriff, DOE 6
an unknown sheriff, and Does 7 to 75,
21 inclusive,

22 Defendant(s).

Case No. C08-03627 MMC

NOTICE OF UNAVAILABILITY

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24 TO ALL PARTIES HEREIN AND TO THEIR ATTORNEYS OF RECORD:

25 NOTICE IS HEREBY GIVEN that on the following dates, Jennifer N. Logue of the
26 City of Oakland Office of the City Attorney, will be on vacation and unavailable for any

1 purpose whatsoever, including but not limited to receiving notices of any kind, responding
2 to ex parte applications, appearing in court, or attending depositions:

3 August 28, 2008 through September 4, 2008.

4 This notice is given pursuant to the case of Tenderloin Housing Clinic, Inc. v.
5 Sparks (1992) 8 Cal.App.4th 299. Purposefully scheduling a conflicting proceeding without
6 good cause during the period of notice is sanctionable conduct pursuant to the Tenderloin
7 case.

8 Dated: August 21, 2008

9 JOHN A. RUSSO, City Attorney
10 RANDOLPH W. HALL, Assistant City Attorney
11 WILLIAM E. SIMMONS, Supervising Trial Attorney
12 JENNIFER N. LOGUE, Deputy City Attorney

13 By: _____/s/_____
14 Attorneys for Defendant
15 CITY OF OAKLAND
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PROOF OF SERVICE
Richard Ray, et al. v. City of Oakland, et al.
United States District Court Case No. C08-03627 MMC

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is One Frank H. Ogawa Plaza, 6th Floor, Oakland, California 94612. On the date set forth below, I served the within document:

NOTICE OF UNAVAILABILITY

by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below, or as stated on the attached service list, on this date before 5:00 p.m.

☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Oakland, California addressed as set forth.

☐ by causing personal delivery by _____ of the document(s) listed above to the person(s) at the address(es) set forth below.

☐ by personally delivering the document(s) listed above to the person(s) set forth below.

Sheila Gropper Nelson
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HAAPALA THOMPSON & ABERN, LLP
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Attorneys for Defendants,
Alameda County, Gregory Ahern and
Alameda County Sheriff

I am readily familiar with the City of Oakland's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on August 25, 2008, at Oakland, California.

/s/
Audrey A. Hall